

72

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

August 4, 2003

9:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, August 4, 2003, at 9:00 a.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and Resolution No. 36193-010603 adopted on January 6, 2003, which changed the time of commencement of the regular meeting of Council to be held on the first Monday in each month from 12:15 p.m. to 9:00 a.m.

PRESENT: Council Members C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Beverly T. Fitzpatrick, Jr., and Mayor Ralph K. Smith-----6.

ABSENT: Council Member Alfred T. Dowe, Jr.-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Fitzpatrick and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

(The Closed Session was later deferred until the regular meeting of Council on Monday, August 18, 2003.)

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711(A)(10), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Fitzpatrick and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

(The Closed Session was later deferred until the regular meeting of Council on Monday, August 18, 2003.)

PURCHASE/SALE OF PROPERTY-CITY PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the City Manager to convene in Closed Meeting as above described. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Fitzpatrick and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

(The Closed Session was later deferred until the regular meeting of Council on Monday, August 18, 2003)

CITY ATTORNEY-CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel regarding a specific legal matter requiring the provision of legal advice by counsel, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the City Attorney to convene in Closed Meeting as above described. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Fitzpatrick and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

(The Closed Session was later deferred until the regular meeting of Council on Monday, August 18, 2003.)

At 9:05 a.m., the Mayor declared the meeting in recess to be reconvened in the Emergency Operations Center Conference Room, Room 159, for a Joint Meeting of Council and the City Planning Commission, and briefings by the City Manager.

At 9:10 a.m., the Council Meeting reconvened in Room 159 Emergency Operations Center Conference Room for a joint meeting of Council and the City Planning Commission.

CITY PLANNING COMMISSION MEMBERS PRESENT: Gilbert E. Butler, Jr., D. Kent Chrisman, Fredrick Williams, and Richard Rife, Vice-Chair.

ABSENT: Paula L. Prince, Henry Scholz, and Robert B. Manetta, Chairperson.

OTHERS PRESENT: Brian R. Townsend, Director, Planning, Building and Development; Christopher L. Chittum, Senior City Planner; and Martha P. Franklin, Secretary, City Planning Commission.

Council Member Dowe entered the meeting.

COUNCIL- COMMUNITY PLANNING- NEIGHBORHOOD PLANS:

Projected Timetable for Conclusion of All Neighborhood Plans:

Chris Chittum, Senior City Planner, Department of Planning and Building Development, presented an update on neighborhood plans. He advised that neighborhood plans started in 1998 in Raleigh Court with the Greater Raleigh Court Neighborhood Plan and since that time neighborhood planning efforts have been accelerated. He reviewed a map showing the areas that have been completed, those areas that are in progress and future areas to be addressed; and advised that currently 12 neighborhood plans have been adopted by Council, some going back to 1989 and 1990 (South Roanoke and Greater Deyerle), six neighborhood plans are underway, three of which are now in the approval process, and will go to the City Planning Commission later this month, two other neighborhood plans will, and is hoped to increase the number up to approximately 18 neighborhood plans by the end of the year. He added that later in the process will be the Hollins/460 East area, the South Peters Creek area, Garden City and Mill Mountain.

Discussion:

The Carvins Cove Natural Reservoir should be added to the list of neighborhood plans.

All of the Neighborhood Plans are available to be downloaded on the intranet and a hard copy will also be available.

The goal is to have all neighborhood plans completed by the end of the year 2004.

Given that the Deyerle and South Roanoke Neighborhood Plans predate the City's 2020 Comprehensive Plan, following completion of all neighborhood plans, the Deyerle and South Roanoke Neighborhood plans will be updated.

Mr. Chittum reviewed a document entitled: Vision 2001-2020 Implementation Update which includes elements of Neighborhood plan actions, status, ongoing efforts or completed tasks and timeframe for completion.

(For full text, see document on file in the City Clerk's Office.)

Discussion:

What will be done to ensure that the time line is implemented? The City Manager responded that as Neighborhood Plans are adopted, those items will be lifted out that are of concern to specific neighborhoods and placed in the Comprehensive Plan; many of the items contained in both the individual Neighborhood Plans as well as those in the Comprehensive Plan require budgetary consideration it is proposed, on an annual basis, to take those items into account when prioritizing budget recommendations to the Council. She advised that some projects/items may take years to implement, may need to be completed in phases, but it is anticipated that vision implementation update, as well as a summary of requests of issues raised by neighborhoods, will be used as a building block upon which budget recommendations will be made; the responsibility of oversight of implementation rests with the Department of Planning Building and Development and the Department of Management and Budget.

Two steps might need to be taken: (1) A matrix that contains all of the general actions called for in the Vision Plan on one access and each of the neighborhoods on another access to ensure that in each of the Neighborhood Plans all bases have been covered with respect to the vision goals. (2) If actions can be reduced to paper, by making an addition to the adopted Neighborhood Plan, it would give the neighborhood association and the people living in the neighborhoods a kind of action agenda to follow in order to track the progress in the neighborhood toward each of the goals, and would also serve as a reminder to keep the process from falling behind.

It will be necessary to hear from the neighborhoods as to their interests and respond accordingly.

As a part of Leadership Team meetings, department managers are encouraged to embrace that part of the Comprehensive Plan that they are responsible for and the annual report helps to reinforce the relationship and even through we are looking at a 20 year plan, many of the decisions that City operating departments make on a daily, weekly and monthly basis over time tend to add up to accomplishing some of the policy changes and goals; therefore, City departments are constantly reminded to use the Neighborhood Plan in connection with how they take on operational decisions as well as policy planning.

In bringing about the desired results, there must be economic and social diversity in all City neighborhoods and it will be critical to a number of ideas to engage a consultant who is progressive and visionary.

The City Manager advised that support of the neighborhoods is important because some neighborhoods have become so comfortable in being a part of a particular description that a lot of what is addressed becomes a partnership between the neighborhood's willingness to look at something different and a consultant's willingness to expose the City to the opportunity for something different; therefore, there is a need for not only an enlightened consultant, but an enlightened citizenry in order to make the recommendations of the consultant become a reality.

A question was raised regarding the request of a property owner on Frontier Road (Mr. Shumate) who would like to install a handicapped ramp. Staff advised that the Zoning Ordinance Committee has reviewed a series of changes to setback requirements that would allow encroachments into the setback for certain non enclosed buildings, such as a handicapped ramp or unenclosed porches; and more flexibility is proposed in the new zoning ordinance for these types of circumstances to provide ways to allow citizens to do certain things without having to go to the Board of Zoning Appeals.

ZONING SIGNS:

Update on Sign Regulations in the Zoning Ordinance:

Nancy Snodgrass, City Planner, advised that the overall goal of Vision 2001-2020 is to make Roanoke an attractive place for people of all ages, backgrounds, and income levels to live, work, and play, which requires not only sound social and economic policies, but also a strong commitment to excellence in community design and appearance.

She reviewed recommended actions in Vision 2001-2020, as follows:

- (1) Revise the Zoning Ordinance to strengthen site development, landscaping, and signage requirements in village centers.
- (2) Review development codes to ensure regulations that encourage quality development and protection of public health, welfare and safety.

City design principals of Vision 2001-2020 include:

Local and regional commercial centers and commercial corridors.

Visual clutter and excessive lighting should be discouraged.

Signs should be consolidated and co-located on single displays or monuments attractively designed.

Signs (public and private) should be limited in number and scaled in size to minimize visual clutter.

The purpose of developing a statement regarding signs is to protect property values, to provide an attractive economic and business climate, physical appearance of the City, to protect the scenic and natural beauty of certain areas, and to prevent distractions, hazards and obstructions; keys to understanding sign regulatory concepts are: what is a sign, what are the different types of signs, and how is sign

area and permitted allotment calculated; the definition of a sign is any object, device, structure, fixture or placard, or portion thereof, using graphics, symbols, and/or written copy designed specifically for the purpose of advertising, identifying, directing or attracting attention to any establishment, product, goods, service or activity; freestanding signs include monument and pole type signs and attached signs include bracket, awning, canopy or marquee, wall, projecting and window.

In reviewing the definition of a sign area - Consideration No.1 - Support Structure: Shall not enclose any portion of the support structure (supports, uprights on which sign is placed or wall to which sign is attached), provided the sign does not include any message, logo, or emblem; and Consideration No. 2 - Individual Letters: Entire area encompassing all elements of the matter displayed and Signs within a Frame: entire area including any frame or border.

Ms. Snodgrass reviewed the basis for sign area calculation and advised that the proposed draft provides for: freestanding and attached signage calculated separately, freestanding sign area allotment tied to lot frontage and attached sign area allotment - tied to linear frontage of building. With regard to double faced signs, the committee consensus is only one side of a double faced sign counts toward the sign area allotment, provided that faces are parallel or not placed at more than a 45 degree angle.

She reviewed samples of signs and issues associated with the signs; and other issues include placement of wall signs, prohibition of certain types of signs and wall signs above a certain height; and reported the following on outdoor advertising:

Billboards - location and size:

Commercial Corridor and Downtown Districts - maximum 300 square feet

Light Industrial and Heavy Industrial Districts - maximum of 672 square feet

Ten per cent embellishment permitted

Billboards - spacing:

350 feet - same side of street

300 feet - residential district

250 feet - school, library, church, museum, or park

250 feet - I-581 and Roy L. Webber Expressway

660 feet - Blue Ridge Parkway

500 feet - boundary/collector - arterial

In closing, she advised that the next steps will include compilation of the draft sign ordinance, review by the Steering Committee, public review and comment phase and Steering Committee assessment.

Discussion:

For every linear foot of low frontage, there would be one foot of free standing sign face allocation, or for every linear foot of building frontage, there would be one square foot of building sign allocation.

The City was disappointed when the General Assembly did not elect to authorize enabling legislation to enact lighting conditions; the City is limited in what it can do regarding sign lighting and outdoor lighting in parking lots, and had the State passed enabling legislation, the City could have required lumens, etc.

The number of hours that committee members have devoted to the zoning ordinance update is incredible, and staff should keep a tally of the number of volunteer hours expended by citizens. Is there a way to provide incentives for property owners to develop better signage? The City Manager responded that opportunities are available and it is possible for the Industrial Development Authority and the City's Economic Development Department to look at incentives, particularly with regard to rehabilitation done by various businesses.

The proposed new ordinance differentiates between changing a sign and changing a sign face which are two different things, one of which basically says if the sign structure is in place the day the new ordinance is adopted, the sign structure itself is grandfathered which allows a change out of the face of the sign and still maintains its non conforming status; therefore, the sign face can be interchanged and the nonconformity issue does not come into play.

There being no further business, at 10:00 a.m., Vice-Chair Rife declared the meeting of the City Planning Commission adjourned.

Following a brief recess, the Council's work session continued.

PARKS AND RECREATION:

Parks and Mill Mountain Zoo Update:

Beth Poff, Executive Director, Mill Mountain Zoo, Inc., presented a video in regard to the future of the Mill Mountain Zoo. She advised that a new office structure is under construction, and a log home structure was donated to the zoo which is currently under construction with volunteer labor and materials. She stated that the Mill Mountain Zoo has been accredited with the American Zoo Association (AZA) since 1995, approximately 2000 facilities throughout the United States are USDA approved, but only 180 are AZA accredited. She called attention to marketing efforts through public service announcements; and advised that 60 per cent of the zoo's budget is derived through persons who visit the zoo and purchase food or gift items; Roanoke City accounts for approximately 48 per cent of visitation, with visitors from the immediate three county area, and the other half consists of tourists who travel 100 miles or more to the area; approximately 2,800 households are members of the zoo and pay admissions taxes, sales taxes, and payroll taxes, therefore, the zoo contributes not only back to the community, but provides employment for up to five individuals from entry level positions starting at the gift shop to the more higher end positions. She expressed appreciation for the City's assistance over the past years with regard to a renewed lease agreement which will expire in 2006, renovation of buildings, construction of a new back road access to the zoo, upgrade to the electrical system, and further growth and improvement of the zoo.

Ms. Poff called attention to three issues on which the zoo is requesting the City's assistance; i.e.: a \$175,000.00 capital request for water improvements, the need to look at creative ways to address parking; and support of signage through the Virginia Department of Transportation (VDOT) on Route 220 and I-581.

There was discussion with regard to the signage request; whereupon, Ms. Poff advised that the zoo is willing to pay for signage; however, VDOT is currently reviewing revised guidelines for the revised TAD system and it is a matter of determining whether VDOT will make a decision based on old guidelines or wait until new guidelines are approved which may not occur in the near future.

In a discussion, it was stated that there should be close coordination between the City's Master Planning process, the City's parks, and plans for the Mill Mountain Zoo; many persons want to keep most of Mill Mountain undeveloped, therefore, the question was raised as to whether the Board of Directors of the Zoo has considered the feasibility of a second campus for expansion without having to deal with the constraints and topography of Mill Mountain.

Ms. Poff responded that when a decision was made as to the size of zoo that the it was decided as to what size zoo there Roanoke area would support year in and year out, it was believed that an eight acre facility would be best for a community the size of Roanoke; after the decision was made, the Board of Directors worked with the then Mill Mountain Development Committee, which is now the Mill Mountain Advisory Committee, for approval of a Master Plan for the eight acres, and currently, the zoo operates on approximately five and one-half acres of land, with room to grow.

There was discussion with regard to parking, which is currently in a holding pattern until Mill Mountain Park as a whole proceeds through the Master Plan process; whereupon, Ms. Poff advised that satellite types of parking are under consideration and it is also a good time for the Board of Directors and the Mill Mountain Advisory Committee to develop a plan for approximately 230 parking spaces to support activities on the mountain.

Mr. Fitzpatrick expressed concern with regard to the zoo in its current location because it will never be the kind of zoo that it deserves to be on top of Mill Mountain. He encouraged the Board of Directors to think about 50 years from now instead of ten years from now, because Roanoke deserves a better zoo than eight acres; when Mill Mountain was a children's zoo, it had a much better chance of attracting major crowds because there were no other children's zoos close by; as a region there

needs to be an understanding of what should be done in order to have a great zoo which would encompass more than eight acres of land and provide other amenities, including water, etc.

Ms. Poff advised that she would prefer to use the word “charming” instead of “small” to describe the Mill Mountain Zoo, Mill Mountain is one of the smallest accredited zoos in the country; and a 20, 30 or 50 acre facility would require a \$20 - \$50 million expenditure per year.

HOUSING/AUTHORITY:

Scattered Site Development:

John R. Baker, Executive Director, Roanoke Redevelopment and Housing Authority, presented slides of certain single family infill development in the City of Roanoke that the Redevelopment and Housing Authority has developed on its own, and some with other developers. With regard to the Lincoln 2000, HOPE VI project, he advised that the inventory of public housing in the City of Roanoke was reduced by demolishing 145 units of public housing, to both reduce the density in Lincoln Terrace and to reduce the overall inventory of public housing in the City of Roanoke; the Board of Commissioners of the Housing Authority has also indicated a strong interest, as new public housing is developed in the future, to address more scattered site bases, to integrate into neighborhoods, and to provide economic diversity in the neighborhoods, rather than building large areas of public housing as was done in the 1950's and 1960's. He stated that as 145 units of public housing were demolished, single family and duplex homes are being rebuilt which will be available for sale in approximately 36 months; he showed slides of a house on Dunbar Street in the Washington Park area, which is one of the houses that the Housing Authority just completed that contains three bedrooms, two baths, handicap accessible and assessed at \$86,000.00 which was recently occupied. He also showed slides of other houses and amenities in each, such as a fire place, accessible and easily obtainable pantry and counter space, a deck, 1300 square feet of living space, etc., which will also be available for home ownership.

Mr. Baker advised that the sale price of the houses on Dunbar Street are in the range of \$40,000.00 plus, with at least two bathrooms, and most of the houses needed rehabilitation while being sensitive to providing housing that is compatible with the overall character of the neighborhood.

The City Manager advised that quite often when the City acquires properties, provides the necessary rehabilitation to maintain the original structure and certain other amenities to make the structure a home ownership house for the future, more money is invested in the house than the sale value of the house. However, she stated that certain intangibles are involved in the process which begins with improvement of housing stock in the neighborhood by encouraging neighbors in the immediate vicinity to make improvements. She explained that initially, costs could be more than the initial value of the home; however, it is necessary to look at the long term benefit insofar as the overall impact to the neighborhood.

Mr. Baker addressed questions in regard to lease purchase to promote diversity, not of housing choice, but of economic status of individuals in the neighborhoods. He advised that one specific house referred to in his presentation was a lease purchase arrangement that required the Housing Authority to wait for the family to save enough money for a down payment to qualify for a mortgage; other houses under the lease purchase option provide that the Housing Authority will build the house with public housing funds, a low to moderate income person below 80 per cent of the median would reside in the house and the resident would have up to 36 months to purchase the house, with the mortgage amount to be based on the homeowner's ability to pay.

The City Manager advised that many of the properties referred to by Mr. Baker are those properties that the City has made funds available to the Housing Authority to purchase at delinquent tax auctions in order to place houses on infill lots in the City; there has been a concern that someone could purchase the lot and hold it for speculative purposes, which could mean that the land would remain as a vacant piece of property for many years. She stated that for the last 18 months, the City has been an active participant with the Housing Authority to identify either homes or vacant lots that would be good candidates for infill housing.

There was discussion with regard to the size of the yard; whereupon, Mr. Baker advised that the Housing Authority has tried to duplicate lot sizes on the block, and one Member of Council stated that it would be better to err on the side of providing extra yard area than not enough, especially if families with young children reside in the houses.

The City Manager referred to dialogue with Council Members regarding the Patterson Avenue area and the need to revitalize the area, as well as a vehicle to upgrade Mountain View to a historic home and discontinue use of the facility for Parks and Recreation purposes. She referred to an apartment building owned by the Housing Authority in the same area, and inquired if there is an interest by Council in working with the Housing Authority toward certain creative alternative uses and funding sources, in addition to a funding source that has already been identified by the Housing Authority. She stated that it could be used as a pilot for addressing the Patterson Avenue and West End area of the City.

There was discussion that the City of Roanoke does not have a growing population base, more than likely the family that moves into one house is moving out of another house, therefore, the chain continues; whereupon, the City Manager advised that the City has gone to great lengths to develop the Riverside Center and with the plan for new jobs, it is hoped that there will be housing choices in Roanoke City that allow people to make a choice to live in the City of Roanoke, versus neighboring jurisdictions. She stated that the population is growing as a region, but today the City of Roanoke does not have the housing choices that give people the options they need to live in the City. In the case of affordable housing, she advised that someone will vacate a housing unit, move into another unit, but unfortunately the person who moves in is not always a City resident, so there is the challenge of supporting not only Roanoke's own population of low and moderate income residents, but persons from other communities; therefore, on the entire continuum of housing, there is a need to start tearing down or closing down substandard housing units in the City.

There was discussion in regard to the boarding up of houses when they become vacant and the question was raised as to whether the City can prohibit the boarding up of houses; whereupon, the City Manager advised that under current State Code, cities and other communities are limited on how active they can be in a particular property so that a homeowner or landlord does have the choice of boarding up the property and as long as the property owner keeps the grass cut and if the appearance of the exterior is in a reasonable condition, there is not a lot that the City can do to prompt the owner to remove the boards and improve the home. She explained that the house must be in very poor condition, and subject to demolition, or unpaid taxes, before the City has the potential to intervene. She advised that the City has about 200 houses that are past the point of repair that need

to be demolished, it will take approximately two years to demolish all of the properties, which will leave a vacant piece of property to be addressed by either encouraging the property owner to donate or sell the lot for infill housing, or the property could reach the point that there are enough liens for a tax sale.

Mr. Cutler referred to a communication from Chairman Fink dated June 24, 2003, regarding to a draft statement of purpose and expectations for the City of Roanoke and the Roanoke Redevelopment and Housing Authority, which provides for an evaluation of the relationship between the Housing Authority and the City; and the document also states that the Housing Authority is in the process of founding a consortium to coordinate all housing related initiatives in the City of Roanoke in order to minimize duplication and to maximize efficiency. Mr. Baker advised that the document is a work in progress and Dr. Cutler suggested that a copy of the statement be forwarded to the Members of Council and that the draft statement be the topic of discussion at a future work session of the Council and the Housing Authority.

Discussion:

In looking at the different income levels, values in housing, and interactions of the market, there is a need to engage in discussions with regard to all different forms of housing, and it should be taken into consideration that persons who are in the market for condominiums, homes and other housing options are generally looking in the urban center and do not expect to find those forms in the suburbs. This is an avenue that should be explored to look at potential opportunities.

The opportunity for the City to partner with the Housing Authority is greater today than ever before.

STREETS AND ALLEYS:

Pavement Cut Policy:

Phillip Schirmer, City Engineer, presented a briefing on the City's pavement cut policy. He explained that any work within the public street right of way requires a street opening permit; currently City crews, both utility crews as well as public works crews, are exempt from acquiring permits; a permit costs \$36.00; authority to regulate work in public streets is contained in the City Code; and approximately 2,000 utility cuts occur within the City each year, which includes either cuts by the City of Roanoke, or by utility companies and telecommunications providers. He presented slides of typical utility pavement cuts throughout the City.

The City Manager advised that the City has stepped up its efforts to ensure that utility companies repair pavement cut areas and meet warranty terms.

The City Engineer advised that the City does not currently have a written policy or standards to detail restoration service; the City has not traditionally accepted repairs to pavement that have been questionable, but the City has accepted less than first quality work, therefore, staff is drafting a new policy for utility cuts in the public rights- of- way, which is a work in progress and is approximately 90 per cent complete. He stated that the City recognizes that there is an obligation to accommodate utilities in public streets rights- of- way, the City wishes to maximize the life of its public infrastructure, including street pavement and sidewalks, while addressing the public safety and minimizing inconvenience to those persons who use public streets and sidewalks.

The City Manager advised that the City has stepped up its efforts to ensure that utility companies are required to repair pavement cut areas and meet warranty terms. She also advised that people in the City of Roanoke tend to park on sidewalks; the matter has been addressed through enforcement efforts which have been met with mixed results; in addition to City Code requirements, the community needs to, in a proactive way, take the position that parking on City sidewalks is an unacceptable practice, because of the damage to sidewalks and expenses associated with repairs.

Dr. Cutler advised that City employees and citizens should be discouraged from parking on grass as well, because the capability of the soil to support vegetation is destroyed.

The City Engineer called attention to the following areas for improvement: to be proactive in inspections, with follow up warranty inspection; improved standards to publish standards for repairs by addressing workmanship, materials and timeliness of repairs; and continue to improve coordination and communication with utility company providers. He advised that the City will require contractors to certify backfill material density to ensure 95 per cent compaction of material, which is essential to demonstrate that the contractor has achieved the best in terms of compacting material; all utility cuts will be included in a database to provide the capability of identifying the utility company, or the contractor responsible for the work by location and date of work; and a limit on the number of open permits (currently there is no upper threshold on the number of permits that are allowed and Roanoke Gas Company can have as many as 100 or more open permits, with an average of 70 - 80 pavement cuts a month).

Mr. Schirmer advised that the goal is to inspect the work upon completion and within 30 days followed by an 11 month inspection to check for defects; and if the contractor or utility company fails to make the proper repairs, the City will make the repairs and bill the contractor/utility company accordingly. He stated that permit accountability is intended to ensure that when a permit is issued, contractors know they are accountable for the utility cut until it is repaired in a satisfactory manner. He advised that under the proposed new policy, contractors will be given three options for use of backfill material; the City's first preference is to use native materials, or the best materials from the dirt that came out of the hole; in the event that materials cannot be re-used, select imported material can be used; and the third option is called controlled density backfill, or flowable fill, which is a concrete product that is costly, but almost foolproof.

He addressed improved communications and advised that monthly liaison meetings will be held with utility contractors and the utility companies to share schedules regarding redevelopment areas; City staff will prepare a two year forecast of paving schedules, which could be placed on the Internet with the City's GIS technology, which will also show the last time a street was paved, the schedule for street paving this year so that contractors can plan their work in advance, and if a street is torn up after it is paved by the City the contractor will be responsible for the necessary repairs. He addressed permit fees which are currently \$36.00, but do not cover the City's current cost per permit; approximately two hours of staff time is involved, or \$100.00 based upon the current charge out rate, therefore, an adjustment in the permit fee is necessary; many cities have gone to what is called a pavement degradation fee, which is a sliding fee structure based on the diminished life of a pavement after a utility cut which has decreased the life of the pavement; the fee is not in lieu of expenses associated with making the repair, but the fee that would be assessed and rolled back into the paving program to cover the cost of the diminished pavement life. He explained the proposed fee is based upon current repaving costs which are approximately \$50.00 per square yard to pave City streets, and the proposal would provide if a one year old pavement is cut, the contractor would be assessed a fee equal to about nine per cent of the cost of repaving the street and from that point, fees would be assessed on a sliding scale basis.

A question was raised in regard to installing utilities underground when repaving occurs; whereupon, Mr. Schirmer advised that underground utilities are outlined in the City's Comprehensive Plan, the expense of under grounding utilities usually falls upon the person desiring that the utilities be placed underground, and the only areas of the City where undergrounding can be required are special redevelopment areas and the C-3 District.

The City Manager clarified that undergrounding of utilities is required for new housing developments in the City.

Mr. Schirmer advised that the next step will be to finalize the written policy to develop a fee structure as a part of the policy and certain City Code amendments will be required.

TOPICS FOR DISCUSSION BY THE MAYOR AND MEMBERS OF COUNCIL:

CELEBRATIONS:

Mr. Cutler inquired about the status of EventZone; whereupon, the City Manager advised that the contract with EventZone has not been executed due to a question regarding insurance coverage; therefore, the first quarterly payment has not been issued to the organization. She stated that the Executive Director is aware of the issue and is attempting to make the necessary adjustments.

ITEMS LISTED ON THE 2:00 P.M. COUNCIL DOCKET REQUIRING DISCUSSION/CLARIFICATION; AND ADDITIONS/DELETIONS TO THE 2:00 P.M. DOCKET:

SCHOOLS-LEGISLATION:

With regard to agenda item 6.a.1.- Endorsement of additional State funding for education, Mayor Smith inquired as to how funds will be made available by the State; whereupon, the City Manager advised that there has been no prejudgement on how funds will be allocated. She called attention to the JLARC study relative to deficiencies in the funding for education; the State Board of Education has recently suggested a significant increase in the amount of State funds for education for the upcoming year, but State Board of Education support does not suggest to the General Assembly how or where to find the money, only that education should be a priority. She advised that the resolution before the Council speaks to the number of positions that are already funded with local monies that would, in effect, be eligible for State funding, which would free up additional local funds for either reuse by the schools, or for reallocation in some other way. She stated that this is a very ambitious request of the State, given the economy and the condition of the State generally.

COUNCIL: Council Member Dowe addressed security issues in the Council Chamber, especially in view of the recent shooting of a Council Member in New York City, and asked that the Councilman be remembered in a moment of silence at the 2:00 p.m. Council session.

It was the consensus of Council that security issues should be discussed with the City Manager in a more private setting.

Council Member Dowe requested that Council join in a moment of silence for Honorable James Davis, and the Mayor asked that Council also remember comedian, Bob Hope, who recently passed away.

Council Member Fitzpatrick advised that during their lifetime, numerous persons have made many notable contributions to the City of Roanoke, were not remembered upon their passing in a moment of silence during a formal Council setting; therefore, he asked that Council exercise caution so as not to set a precedent.

COMPLAINTS - ANIMALS/INSECTS: Council Member Bestpitch requested a status report by the City Attorney on actions taken by the City to date in regard to the excessive number of dogs that were housed in a private residence on Walnut Avenue, S. W. The City Attorney reported that with the assistance by the Angels of Assisi, the dogs were transported to a location in Patrick County.

At 1:00 p.m., the Mayor declared the Council meeting in recess for one Closed Session, to be held in the Council's Conference Room.

At 1:25 p.m., the Council meeting reconvened for a briefing in Valley Metro's Specialized Transit-Arranged Rides (S.T.A.R. Services).

BUSES: David Morgan, General Manager, Valley Metro, presented information on the S.T.A.R. Services - Specialized Transit - Arranged Rides. He advised that:

Valley Metro contracts with Unified Human Services Transportation, Inc., (also known as RADAR) to provide specialized transportation for residents of the Roanoke Valley who have a physical or mental condition which would prohibit them from using standard public transportation, such as Valley Metro's fixed route bus service.

The entire City of Roanoke, Town of Vinton and City of Salem are service areas and hours of operation are 5:45 a.m. to 8:45 p.m., Monday through Saturday.

Applications for qualification for ridership are submitted to Valley Metro for review and a determination is made on eligibility. All decisions are based on the Americans with Disabilities Act (ADA) guidelines and regulations.

Under the current contract between Valley Metro and RADAR, Valley Metro pays a total of \$13.85 per one-way trip, less the rider's collected fare. The collected fare per trip is \$2.50 (which is the maximum allowed by the ADA).

Annual Expenses:

Fiscal year 2001	\$317,299.92	32,000 trips
Fiscal year 2002	\$343,298.55	31,500 trips
Fiscal year 2003	\$452,289.43	35,000 trips
Fiscal year 2004	\$484,750.00*	

*budgeted

Valley Metro and RADAR work together to provide valuable transportation services to qualified individuals. Valley Metro takes all applications, confirms certification, notifies clients, and handles all daily fare ticket sales, as well as monthly pass sales, for the S.T.A.R. service. RADAR conducts the curb-to-curb service, and their drivers are trained in passenger assistance, defensive driving, CPR and wheelchair securement procedures to make the trip safe and enjoyable for all passengers.

As a part of the contract, Valley Metro monitors the performance of RADAR through spot checks, maintenance reports on equipment and ensures that training of operators is up to speed.

Mr. Morgan advised that several certified passengers have requested to be transported from Roanoke City to Roanoke County for various purposes, which requests have been denied because Roanoke County is out of the service area; two issues should be addressed: (1) cost - RADAR is open to amending its contract to provide the service on a surcharge basis in the range of \$7.00 - \$8.00 per trip each way, with the potential of as many as 20 - 40 trips per day to sites in Roanoke County. He explained that if a passenger lives in Roanoke County and if their destination is in the county, the rider must use CORTAN and pay the \$3.50 fare and if their destination is in Roanoke City, or in the City's service area, they will use S.T.A.R.; and the Town of Vinton is the only locality in the Roanoke Valley to participate in both RADAR and CORTAN. (CORTAN serves Roanoke County and does not

transport riders into Roanoke City, RADAR serves Roanoke City and does not transport riders into Roanoke County, and the Town of Vinton is located within Roanoke County, therefore, the Town uses both transportation systems.)

There was discussion with regard to looking at the broader issue, one in which Valley Metro would serve as the region's transportation agency, with creation of State or Federal inducements; Council can move the issue forward by encouraging discussions at regional forums with other elected officials from surrounding localities.

Further discussion centered around providing service for one subset of the population who have physical and/or mental disabilities that preclude them from using the regular transportation service, as opposed to all other citizens in the City who may wish to reach a specific destination in Roanoke County by bus; therefore, the issue of public transportation policy should be looked at from the broader need of the entire community and not just one segment of the community.

Following further discussion, it was the consensus of Council to refer the matter to the General Manager of Valley Metro and to the City Manager for report back to the Council and to the Board of Directors of the Greater Roanoke Transit Company with regard to available options that could be pursued in addressing the broad picture.

At 1:50 p.m., the Council meeting was declared in recess to be reconvened at 2:00 p.m., in the Council Chamber.

At 2:00 p.m., on Monday, August 4, 2003, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Smith presiding.

PRESENT: Council Members C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Rawleigh W. Quarles, Pastor, Staunton Avenue Church of God.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

Council Member Dowe requested a moment of silence in memory of the late James E. Davis, a New York City Council Member, who was shot by a political rival in the balcony of the Council Chamber at City Hall on July 24, 2003.

PRESENTATIONS AND ACKNOWLEDGMENT:

ACTS OF ACKNOWLEDGMENTS: Mr. Bestpitch offered the following resolution designating Ms. Pearl Fu as an Honorary Goodwill Ambassador at Large for the City of Roanoke, in recognition of her many contributions to the cultural richness of the community:

(#36442-080403) A RESOLUTION recognizing Pearl Fu as an honorary Goodwill Ambassador at Large for the City of Roanoke.

(For full text of resolution, see Resolution Book No. 68, Page 1.)

Mr. Bestpitch moved the adoption of Resolution No. 36442-080403. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

The Mayor presented Ms. Fu with a ceremonial copy of the above referenced resolution and a Star Basket containing items made in the Commonwealth of Virginia.

ACTS OF ACKNOWLEDGMENT-CITY GOVERNMENT: The Mayor recognized the following participants in the City's 2003 Summer Internship Program:

Ashley Reynolds- a rising Senior at Hollins University, who interned in the Office of the Clerk of the Circuit Court;

Jamie Staples - a rising Senior at Longwood College, who interned at the Roanoke Civic Center;

Marcus Croson - a December 2002 graduate of Norfolk State University, who interned in the Department of Finance;

John Barrett - a rising Junior at Virginia Tech, who interned in the Department of Technology;

Sarah Krieger - a Graduate Student from Radford University, who interned in the General Services Department;

Shayla Evans - a rising Senior at Virginia State, who interned in the Department of Real Estate Valuation;

Joshua Mabrey - a rising Senior at Pensacola Christian College, who interned in the Billings and Collections Department;

Tanicka McKinnon - a 2003 graduate of Virginia Tech, who interned in the Economic Development Department;

Kevin Saunders - a rising Junior at Davidson College, who interned at the Wastewater Treatment facility;

Benjamin Crew - a rising Senior at Virginia tech, who interned in the Department of parks and Recreation; and

Steve Grenoble, Justin Reynolds, Ben Gilmer and Wes Ketron - rising Seniors at Radford University, and Nicole Paynotta, a 2003 Graduate of the University of Virginia, who interned in the Engineering Department and assisted with the Storm Water GIS project.

The Mayor expressed appreciation to each student for their participation in the program and presented them with a City of Roanoke logo lapel pin.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meetings of Council held on Monday, December 18, 2000; Monday, June 2, 2003; and Monday, June 16, 2003, were before Council.

Mr. Dowe moved that the reading of the minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-PERSONNEL DEPARTMENT: A communication from Carol Tuning tendering her resignation as a member of the Personnel and Employment Practices Commission, effective immediately, was before Council.

Mr. Dowe moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-HOUSING/AUTHORITY-PERSONNEL DEPARTMENT-FIFTH PLANNING DISTRICT COMMISSION: The following reports of qualification were before Council:

Alphonzo L. Holland, Sr., as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2006;

Gregory W. Feldmann as a Commissioner of the Roanoke Redevelopment and Housing Authority, for a term ending August 31, 2006; and

Ralph K. Smith and R. Brian Townsend as members of the Roanoke Valley-Alleghany Regional Commission, for terms ending June 30, 2006.

Mr. Dowe moved that the reports of qualification be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

ARMORY/STADIUM-ROANOKE CIVIC CENTER: Mr. Harris moved that Council rescind its previous action to construct an \$18 million stadium/amphitheater on Orange Avenue and Williamson Road. The motion was seconded by Mr. Fitzpatrick.

Mr. Harris advised that in order for the project to go forward, it should have broad community support because of the amount of money that is involved and the long term implications that the project will have should it be constructed; his sense of the community is that support does not exist; and there appears to be three primary concerns related to the project; i.e.: the amount of sentiment in the community regarding maintenance and renovation of Victory Stadium, concerns relative to the dual nature of the stadium/amphitheater and the possibility of building two diluted facilities, and the cost of the stadium/amphitheater project, given the current needs of the community. He advised that Council made a unanimous decision in May 2001 to proceed with the project; however, his role and responsibility as an elected Member of City Council is to represent what he considers to be the will of the community; therefore, several weeks ago, he publicly shared his concerns about the stadium/amphitheater project and stated that he could not continue to support the project in honor of his responsibilities as an elected official to represent the interests of all citizens of the City of Roanoke. Therefore, Vice-Mayor Harris stated that it is for those reasons that he offered the motion and co-authored a letter with Council Member Fitzpatrick advising that they would introduce a motion at today's Council meeting to rescind the previous motion adopted by Council. He expressed appreciation to all persons who communicated with him over the past several weeks which helped to shape his position on the stadium/amphitheater issue.

The Mayor advised that 19 persons had signed up to speak; whereupon, he called upon Ms. Brenda Hale, 3595 Packwood Drive, S. W., who advised that the most precious commodity of the Roanoke Valley is its youth who deserve the best opportunities that are available, both now and in the near future. She stated that the Roanoke community deserves the same consideration; a new stadium/amphitheater would provide unlimited opportunities for the City of Roanoke and indecisions must

be laid to rest; when the visionaries conceived the Mill Mountain Star, they pressed on with a dream; and there is an opportunity to have a second icon, which will be unique to the Roanoke Valley – a new stadium/amphitheater that could provide unlimited revenue return for many years to come. She stated that change is difficult to come by in the Roanoke Valley, but cities, like individuals, must go through change which leads to growth and development, in order to be competitive and to place the locality in a win/win situation; and the dream will not only benefit the Roanoke community, but encourage individuals from other cities and states to visit the Star City. She encouraged Council to abide by its previous decision to construct a new stadium/amphitheater at the Orange Avenue/Williamson Road site in an effort to continue to move the City of Roanoke forward.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., expressed opposition to the proposed new stadium/amphitheater, and concern with regard to other facilities in Roanoke City that are not used and have not been properly marketed by the City; therefore, he urged that Victory Stadium be properly renovated and marketed. He called attention to traffic concerns at the Roanoke Civic Center and advised that if a new stadium/amphitheater is constructed at the Orange Avenue/Williamson Road location, traffic congestion will be compounded. He asked that Council allow the citizens of the City of Roanoke to decide on how their tax dollars will be spent.

Mr. Jim Fields, 17 Ridge Crest Road, Hardy, Virginia, advised that Council is not listening to the wishes of the taxpayers who want Victory Stadium to be renovated. He stated that Victory Stadium is a City historic landmark that should be preserved and suggested that the Parks and Recreation Department be moved from its present location on Reserve Avenue to the stadium site, which would enable construction of an amphitheater on Reserve Avenue at the current location of the Parks and Recreation building. He also spoke in support of renovating Victory Stadium in memory of World War II veterans; and out of respect for World War II veterans, he encouraged the City to fly a United States Flag at Victory Stadium.

Mr. John Kelley, 2909 Morrison Street, S. E., expressed concern with regard to traffic congestion if the stadium/amphitheater is constructed on the Orange Avenue site. He also expressed concern with regard to costs and advised that the debt of Roanoke City is at an all time high, having risen from \$800.00 per person prior to the arrival of City Manager Burcham to \$2,000.00 per person currently, which is the State's mandatory limit. He stated that the overwhelming majority of citizens believe that there is more to the issue than the location of a new stadium; i.e.: could it be that Carilion Health Care Corporation or the new Biotech would like to acquire the land for future expansion, and it could be that some Members of City Council, either knowingly or unknowingly, have been used to change the stadium site so that these two groups can gain access to the property. If the rumor is true, he stated that there

should be an investigation of the allegations. In the interest of the total Roanoke community, he requested that Council place the matter on the November ballot to enable the citizens of the City of Roanoke to vote on the fate of Victory Stadium.

Ms. Liz Rodriguez, 120 23rd Street, S. E., advised that Victory Stadium is an invaluable resource to the Roanoke community, and if the stadium is renovated, attendance at events will increase. In conclusion, she advised that Victory Stadium has the potential to be new again, while preserving the history and memories of Roanoke and its citizens.

Ms. Pat Lawson, 1618 Riverside Terrace, S. E., spoke in support of renovating Victory Stadium for sentimental and historic preservation reasons.

Mr. Dick Kelley, 550 Chaplet Road, S. E., commended the City on the successful renovation of Jefferson High School and The Hotel Roanoke; and advised that Roanokers are proud of Victory Stadium and want the facility to be renovated for use by present and future Roanoke citizens for sporting events that cannot be accommodated in the proposed smaller facility on Orange Avenue and Williamson Road. He stated that costs will not be kept to \$18 million when taking into consideration the overpass and tearing down Victory Stadium, relocating the Schools' transportation facility to the City's salt storage facility, and other grading and fill material. He called attention to the availability of parking in the Victory Stadium area, and inquired as to the City's justification if it disregards the signatures of 7,000 persons who signed petitions in support of saving Victory Stadium.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., advised that the future of sports lies not in football, baseball or soccer, but in BMX biking, skateboarding and what is called the X and gravity games, and the only way that Roanoke can keep its youth is to accommodate the true sports of the future, by renovating Victory Stadium and providing a 20,000 - 25,000 seat venue where gravity games can be held. He suggested that Council ask the youth of Roanoke to state their wishes in regard to the types of sports activities that interest them.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., raised questions in connection with information provided by the City to the consulting firm of C. H. Johnson; i.e.: Why was the consultant told that evening events at Victory Stadium would disturb patients at Carilion Roanoke Memorial Hospital, when recently a spokesperson for Carilion stated that no disturbances as a result of Victory Stadium activities/events have been experienced by the hospital. Why was the consultant told that renovation costs for Victory Stadium and for constructing a new stadium would be the same? Why would City Council ignore the wishes of citizens who want to keep Victory Stadium and make it a show place and an asset for Roanokers? She questioned the

remarks of Ken McDonald, a concert promoter, who stated in 2001 that he was impressed with the creativity of the multi-purpose sports and concert facility, however, he would probably not spend his own personal money to build such a facility, but he now speaks in support of construction of the facility.

Mr. Tom Link, 2201 Carolina Avenue, S. W., advised that the person who has the most to gain from the proposed new amphitheater project is Ken McDonald, concert promoter. He spoke with regard to the involvement of Mr. McDonald in venues such as Clear Channel Communications and the NBA formed, Arena Ventures, owner of the Roanoke Dazzle, which has a five year renewable contract with the City of Roanoke, whereby the City promised to build the Roanoke Dazzle an office and other improvements totaling over \$5 million, with the guarantee that Clear Channel Communications would bring 26 - 28 entertainment events to Roanoke each year, and the Roanoke Dazzle can opt out at the end of 2004 if basketball attendance has not met projections. He added that the Roanoke Dazzle has experienced problems in generating an audience, the commitment of Clear Channel Communications for 26 - 28 other events in either 2002 or 2003 has not been honored, and the guarantee by Clear Channel Communications has not been enforced by the City of Roanoke. He also referred to the Nautilus complex in Norfolk, a \$52 million science museum complex that opened in 1994, which has never reached its projected revenue dreams, was constructed over the projected construction budget and has reduced its prices on numerous occasions by as much as 44 per cent in one case alone in its attempt to prop up sagging revenues, and the bond rating for the City of Norfolk dropped during this period from A to A-1. In conclusion, he inquired as to why City Council would accept the projections of Clear Channel Communications when there is ample evidence that its projections are not reliable, why would City Council place the City of Roanoke at risk of becoming over extended, making future borrowing more expensive, and why would Council want to make the City of Roanoke the pawn in an experiment that is designed to benefit the stockholders of Clear Channel Communications and not the citizens of Roanoke.

Mr. Roy Kinney, 2975 Rosalind Avenue, S. W., advised that Council was elected to transact the business of the majority of the citizens of the City of Roanoke, therefore, Council is obligated to make its decisions based on the wishes of the majority of the electorate.

Mr. Don Baldwin, 2114 Beckley Avenue, S. W., quoted from the C. H. Johnson consulting report, as follows: "The demand for concerts at such a dual purpose facility will not approach the levels achieved by single purpose amphitheater facilities." and "The estimates are that 3 - 5 second or third tier events might use such a facility in its first few years of operation. Those events would attract anywhere from 500 to 3,000 attendees, an occasional special concert event may

attract more than 3,000 attendees, but such events are rare.” He asked if Council was aware that a single use amphitheater was never studied; and did Council know that the City Administration is projecting five events at 7,500 attendees, and not three to five events with 500 to 3,000 attendees as estimated by the consultant. He advised that the City Manager is quoted in the newspaper as guaranteeing that the price of the new stadium will be \$18 million; whereupon, he asked if Council Members will stand behind the City Manager’s statement.

Ms. Freda Tate, 3323 Circle Brook Drive, S. W., advised that if Victory Stadium is renovated, young people will use the facility. She asked that the fate of Victory Stadium be decided upon by the voters of Roanoke at a referendum.

Ms. Patricia Rodriguez, 120 23rd Street., S. E., advised that the youth of Roanoke should have the opportunity to experience and to appreciate the history of Victory Stadium. She stated that the size of Victory Stadium is one of its many attributes; and surrounding localities would be pleased if the City of Roanoke did not have Victory Stadium because if a smaller facility is constructed, the competition of having a stadium that will provide more seating is eliminated. She added that the majority of Roanoke’s citizens favor renovation of Victory Stadium, or the opportunity to express their views at a public referendum.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., spoke in support of allowing the citizens of Roanoke to vote on the matter at a public referendum. She stated that Victory Stadium is a historic landmark and should the City seek historic designation, tax credits could be used to serve as an economic and revitalization tool for rehabilitation of Victory Stadium. She added that the City of Roanoke advocates historic preservation as a part of the City’s recently adopted Comprehensive Plan.

Mr. Rick Williams, 3725 Sunrise Avenue, N. W., spoke to the feasibility of engaging the community in fund raising efforts to either renovate Victory Stadium, or to construct a new stadium, similar to fund raising efforts for Jefferson High School and The Hotel Roanoke renovations, with the City of Roanoke providing a certain percentage of funds. He stated that the arrangement would provide a useful way of both constructing a new facility, while offering those persons who care deeply about Victory Stadium to have the opportunity to not only participate in saving the facility, but also to devise a credible strategy for adaptive reuse, whether or not the facility continues to function as a stadium.

Mr. Robert Gravely, 3360 Hershberger Road, N. W., spoke with regard to the marketing of Victory Stadium and ways to attract more people to Roanoke. He advised that the average wages of City employees are such that they cannot afford to purchase a house, or the price of tickets to events at the Roanoke Civic Center, citizens are over taxed, and taxpayers' money should not be spent on the needs of big business.

Mr. Bill Dreiser, 2506 Stanley Avenue, S. E., advised that a vast number of Roanokers want Victory Stadium to be renovated.

Ms. Mary Stewart Link, 2201 Carolina Avenue, S. W., concurred in the remarks of a previous speaker that there are many citizens who would be willing to contribute financially to the cost of renovating Victory Stadium; therefore, she expressed support for the renovation of the facility. She stated that with renovation of Victory Stadium, the historical value could be retained and the City could have a newly renovated facility for less money than the cost of the proposed stadium/amphitheater on Orange Avenue/Williamson Road.

Mr. Wilfred Noel, 2743 North view Drive, S. W., inquired if consideration has been given to the loss of revenue to the City if a new stadium/amphitheater is constructed at Orange Avenue/Williamson Road, thus leading to the potential exit of a prominent business in the Williamson Road area. He stated that other localities are currently building monuments to World War II veterans, but the City of Roanoke is talking about demolishing its historic monument to war veterans. He expressed concern that the Victory Stadium issue is dividing the Roanoke community.

Mr. Read Lunsford, 1525 West Drive, S. W., Chair, Flood Plain Committee, advised that renovations to Victory Stadium must be at a two foot elevation above the one hundred year flood plain; therefore, if the stadium were to be utilized in whatever shape, it must start at 12 feet above the flood plain, which is not a good common sense approach. He stated that Victory Stadium will never be an economic engine for the City of Roanoke, it will not generate the kind of revenues that a new stadium/amphitheater combination will create; therefore, he expressed support for the proposed new stadium/amphitheater at the Orange Avenue/Williamson Road site.

Ms. Barbara N. Duerk, 2607 Rosalind Avenue, S. W., advised that the Victory Stadium location and design has been an arduous process for over a decade, with multiple public meetings. She stated that Victory Stadium should be renovated for use above and beyond school related sports purposes; Roanokers should have a sense of place and the name of Victory Stadium and McClelland Field should be a part of any new facility. She asked that Council support the construction of a new stadium/amphitheater at the Orange Avenue location.

Mr. Bill Tanger, 257 Dancing Tree Lane, Botetourt County, a member of the City's Flood Plain Committee, advised that flood records date back 100 years and only one 100 year flood has occurred during that time. He presented Council Members with a copy of the C. H. Johnson Consulting report and advised that the report is based on erroneous information provided by the City Administration to the consultant; and even though the consultant recommended construction of a new stadium, the recommendation was based on false information. He stated that the consultant also made numerous negative comments about the hybrid form of stadium, including deficiencies such as the closest seats being 160 feet away, the crowned field will cause bad sight lines for those who are seated past the mid line of the field, the most expensive seats are uncovered, and concert events can damage the field. In summary, he stated that the consultant's report is based upon false information regarding the flood plain, parking issues, and noise issues at Carilion Roanoke Memorial Hospital. He advised that 80 per cent plus of the citizens of Roanoke have expressed a desire to renovate Victory Stadium, or at the least to not construct a new stadium.

The Mayor read the following excerpt from the report of C. H. Johnson, Consultant:

"As indicated in the Price, Waterhouse, Coopers data presented at the beginning of this section, the profit margins of amphitheaters is shrinking, changing economic influences are forcing shrewd promoters to assume larger shares of event risks to provide performers with guaranteed fees, this increased risk for promoters places a premium on booking shows in larger markets at the most efficient and attractive facilities in order to minimize exposure to potential losses. The Roanoke market area has not yet reached the level of population and income necessary to consistently support larger amphitheater concerts. Some performers that live off of the smaller crowds of around 5,000 or less could turn a profit in the Roanoke market, but this would only account for a few smaller events per year and could not support a large amphitheater. The more traditional layout and inherent functional compromises such as a mixed use facility would present would generally preclude it from attracting more than five or six events per year. The risk involved in playing a facility with a compromised seating

grid and sight lines would preclude the facility from consideration by acts that are big enough draws to pick and choose their play dates and venues. The financial characteristics associated with the entertainment events that would play in such multi purpose facility would generate moderate net revenues from an operational standpoint, but would not generate revenue capable of covering additional capital costs associated with any permanent stage.”

The Mayor advised that the City’s own consultant identified shortcomings of a mixed use facility, and he also called attention to conflicting views from members of the City’s Flood Plain Committee. He referred to telephone calls from persons throughout the community who have expressed an interest in purchasing Victory Stadium in order to save the facility.

Mr. Fitzpatrick advised that the stadium/amphitheater is a regional project, which should involve Roanoke County, the Town of Vinton and the City of Salem, all deciding together what is needed for the Roanoke Valley as a region. He stated that an amphitheater is far better for Roanoke’s future than the concept of a multi use facility and if Roanoke builds the right kind of facility, it will generate visitors from as far away as Washington, northern Virginia, and North Carolina. He added that the bottom line is that the proposed project does not have Victory Stadium in it, because it is not known how much it would cost to renovate Victory Stadium and he would be reluctant for the citizens to vote on any project without first understanding the cost; and estimates to renovate Victory Stadium range from \$5 million to \$67 million, however, it is not known if the stadium is structurally sound because the facility has not been tested. He advised that the bottom line is that there is not sufficient participation to support Victory Stadium, and if citizens do not attend stadium events, the facility becomes a cost to the citizens of Roanoke forever; Roanoke needs a facility that will generate a return on investment and bring money into the community, and if a regional facility is constructed, the cost can be shared among local governments of the Roanoke Valley. He stated that funds are not available to do the kinds of things that have been done in the past, whether it be The Jefferson Center, or The Hotel Roanoke, or even Victory Stadium, unless there is some form of additional income from another source. He added that Roanoke has an aging population that does not want its taxes to increase, young people are leaving the area to go to other localities because the right kind of jobs are not available; therefore, the Members of Council must be incredibly responsible to ensure that available

funds are spent wisely, which also supports regional action. He stated that more research needs to be done on the proposed Orange Avenue/ Williamson Road site to determine if it is a good location, to review all viable opportunities before taking any action on Victory Stadium, or if a facility might be constructed that would be an addition to Victory Stadium. He advised that when spending the taxpayers' money, Council must ensure that it understands what taxpayers are receiving for their money and that funds are spent on projects that benefit Roanoke's current and future generations. He explained that the City of Roanoke has not reached the point where Council can either make a good decision on behalf of the citizens, or bring a project to the citizens that they can vote on; therefore, he would prefer to stop the stadium/amphitheater project, review all options and then vote with citizen involvement on whether to construct a new stadium, whether Victory Stadium should be renovated, or whether an additional facility such as an amphitheater should be constructed.

Mr. Cutler advised that the City of Roanoke should construct the new stadium/amphitheater at Williamson Road and Orange Avenue as a logical expansion of the Roanoke Civic Center complex; Roanoke's school students have played sports in an obsolete facility for far too long; if the project stays on course, an innovative new facility could be open in time for football season in 2006; and if Council adopts the motion to reconsider the Council's vote which was taken in May 2001 to construct a new facility, the vote would stop any progress toward this goal for a long time to come. He stated that time would be needed in order to open debate regarding alternative sites; and if Victory Stadium, or any other site were decided upon, it would require at least three more years of design and construction or reconstruction. He advised that the more he learns about the condition of Victory Stadium's reinforced concrete structure, or the effect of 61 years of water collecting between the concrete and the reinforcing rod, and deterioration of the stadium's framework, the more convinced he is as to how expensive reconstruction of the facility will be. Therefore, he explained that citizens of the City of Roanoke would be looking at \$30 million to rebuild Victory Stadium and to construct a separate amphitheater, versus \$18 million to move ahead with the plan that is currently underway to combine the stadium and the amphitheater as a part of the Civic Center complex. He stated that he favors progress on a new stadium/amphitheater on Orange Avenue/ Williamson Road and will oppose the motion to reconsider the Council's previous action.

Mr. Dowe advised that he toured Victory Stadium and observed the dilapidation of the facility, and saw first hand the damage to the facility as a result of the 1985 and 2003 floods. He stated that Roanoke's citizenry is not only decreasing, but getting older, therefore, the issue of sustainability must be taken into consideration because there are not a lot of entertainment venues that will draw 20,000 - 25,000 persons from the older audience to the facility; and Roanoke is no longer a 25,000 seat market, therefore, in order to attract 20,000 - 25,000 people to a sporting event, it would be necessary to have a flagship program such as Virginia Tech at Lane Stadium in Blacksburg. He stated that when entertainers commit to perform in a facility, they are looking for a guarantee that the money will be available, regardless of whether ticket sales are up or down, and they want to entertain in a facility where they sound good; Victory Stadium was not built for sound but for football, therefore, the entertainment value of Victory Stadium will not be any different unless there is cart blanche authority to change the overall feel of the facility. He stated that there have been some valid concerns relative to traffic at the proposed site on Orange Avenue which has forced the City to look at creative traffic management and the scheduling of events, and out of 365 days a year, four events could potentially cause a problem. He expressed concern that if a referendum is held, a large number of persons who use Victory Stadium will be eliminated from the vote because they are not old enough to vote. He stated that it has been a difficult decision to make because he has had to balance the vision of what would be best for the young people of Roanoke, with respect and acknowledgment of and for those persons who have helped to create history.

Mr. Bestpitch advised that an important question was raised over the past few weeks of discussion; i.e.: what is the basic job of an elected official; an obvious answer to the question is to represent the will of the majority of the people, but another obvious answer is to listen to all of the people, to study all available information on a difficult question, to learn as much as possible, to analyze information, and to make the best decision that the elected official is capable of making. He stated that another question that has been raised is whether there is a private corporate interest in the Victory Stadium site; the City Manager has informed City Council that officials of Carilion were contacted to inquire in the event that the Victory Stadium property becomes available, if Carilion would have an interest in acquiring the property, and the response by Carilion was no. He pointed out that the City of Roanoke currently has a memorial dedicated to veterans who fought during World War II which is located in Lee Plaza. He called attention to remarks that Roanoke likes to tear down historic structures; whereupon, he referred to The Hotel Roanoke, the City Market Building, GOB North which was turned into the Higher

Education Center, GOB South which was turned into 8 Jefferson Place for market rate apartments, Center in the Square which houses various museums and Mill Mountain Theater, Jefferson High School which was turned into The Jefferson Center, the Grandin Theater, the Dumas Hotel which is now in the process of renovation and expansion for another performing arts venue, the N & W Passenger Station and the Virginian Railway Passenger Station, and the almost 54 year old star on Mill Mountain, all of which does not take into account the private commercial buildings on Salem Avenue, Campbell Avenue, Church Avenue, and Jefferson Street. He advised that the primary spokesman on the Victory Stadium issue has been Mr. Brian Wishneff whose proposal has been to renovate Victory Stadium and to build a separate amphitheater facility; if a separate amphitheater is constructed for only the purpose of using the facility as an amphitheater, it then becomes clear that the stadium is for high school sports only; although high school sports are important and if that is the sole purpose of the stadium, cost comparisons should be made as to what it would cost to renovate the stadium for high school sports; and it has been suggested that Victory Stadium could be renovated for as little as \$6 million with historic tax credits, or the number could be as high as \$15 million or more. He referred to events held in Elmwood Park, entertainment that started with Festival in the Park, the Taste of the Blue Ridge Blues and Jazz Festival, the Henry Street Festival, the Easter Seal Summer Concert series, the City Market area, the Local Colors Festival, Center in the Square, The Jefferson Center with Shaftman Performance Hall, First Union Plaza, the Art Museum and IMAX Theater, venues and events that are held at The Hotel Roanoke and Conference Center, the Dumas Hotel, the Coliseum and the Auditorium at the Roanoke Civic Center, along with improvements to upgrade the Civic Center complex; and if a stadium/amphitheater is constructed on the Orange Avenue/Williamson Road site, the sense of a contiguous arts and entertainment district for the City of Roanoke will be created that will provide a scenery for the area.

Ms. Wyatt advised that it is her job to represent all of the citizens of Roanoke and to do what she considers to be the right thing. She stated that she would put Roanoke up against any other city in the nation and in the state when it comes to historic preservation; however, it has been 15 years since the City of Roanoke built something new for the future of its children; i.e.: two new swimming pools, one in Washington Park and one in Fallon Park, which is an indictment about not looking toward Roanoke's future and the future of its children. She advised that she understands the importance of preserving memories, but memories live in the heart and not in bricks and mortar, and there comes a point in time when it is necessary to let go of the past in order to move into the future.

The motion offered by Mr. Harris, seconded by Mr. Fitzpatrick, that Council rescind its previous action to construct a stadium/amphitheater on Orange Avenue/Williamson Road, was lost by the following vote:

AYES: Council Members Harris, Fitzpatrick and Mayor Smith-----3.

NAYS: Council Members Wyatt, Bestpitch, Cutler and Dowe-----4.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-SCHOOLS-LEGISLATION: The City Manager submitted a communication advising that Virginia's Joint Legislative Audit and Review Commission (JLARC) released a report in February 2002 that summarized its findings and recommendations regarding State and local funding of the Standards of Quality (SOQ); and JLARC suggested that the State Board of Education consider funding three "tiers" of support for elementary and secondary education:

- Tier 1 – Meeting estimated costs of the SOQ, based on current standards at current cost levels;
- Tier 2 – Funding costs of practices the majority of school divisions already engage in, but do not consistently receive State funding for, such as lower pupil-teacher ratios than prescribed by the SOQ; and
- Tier 3 – Helping to fund capital costs and enhanced teacher salaries.

It was further advised that subsequently, Council adopted the 2003 Legislative Program which supported "restructuring the State's tax system to raise State tax revenues to generate the additional funding required annually for education;" Council's Legislative Program also incorporated the Roanoke City School Board's Legislative Program that called on the General Assembly "to improve its share of funding public education based on the results of the JLARC study;" and most recently, the Board of Education agreed on May 28 to a set of SOQ modifications that, in large part, addresses the JLARC "Tier 2" recommendations, including the following:

- One full-time principal in each elementary school
- One full-time assistant principal for each 400 students in each school
- Additional elementary resource teachers for art, music and physical education
- Reduction in the secondary school pupil to teacher ratio from 25:1 to 21:1 to support scheduled planning time for secondary teachers
- Reduction in the speech language pathologist caseload from 68 to 60 students
- Two technology positions per 1,000 students in grades K-12 division-wide
- One full-time reading specialist per 1,000 students

These changes would add 158.8 positions in Roanoke and generate \$4.4 million in additional State revenue, if fully funded; 116 of these positions are already being locally funded, meaning that only 42.8 positions would actually have to be added at a cost of \$2.1 million; and the net effect then would be an increase of \$2.3 million in State revenue that could be used to fund other priority school initiatives.

It was explained that at the same time that Virginia localities have been struggling to adequately fund elementary and secondary education, higher education in Virginia has also been besieged by unprecedented State funding cuts that have resulted in teaching and administrative staff reductions, reduced course offerings for students, and increased tuitions and fees for both in-state and out-of-state students.

It was further explained that to serve as an advocate for quality education in Virginia, “The Alliance for Virginia’s Students” was formed by four founding organizations that are committed to providing Virginia’s students – kindergarten through college – with the best possible education and are working together to achieve that common goal; collectively, they represent thousands of Virginians who have a compelling interest in the education of all Virginians; the organizations include the Virginia Education Coalition, the Virginia Business Higher Education Council, including public college presidents, Virginia First Cities Coalition, and the Virginia Association of Counties; and to help bring this important issue to the attention of the General Assembly in advance of its next session, the Alliance is asking participants to adopt a resolution endorsing additional State funding for education.

The City Manager advised that Roanoke has been an active participant in the efforts of Virginia First Cities Coalition to promote education funding reform in Virginia; therefore, to continue this effort, she recommended that Council adopt a resolution endorsing additional State funding for education, that a copy of the resolution be forwarded to state legislators; and that Council include the issue in the 2004 Legislative Program for the 2004 Session of the Virginia General Assembly.

Mr. Cutler offered the following resolution:

(#36443-080403) A RESOLUTION supporting Virginia's public school students and urging the General Assembly to provide additional State dollars to fully fund the actual costs of the Standards of Quality and the legislative guidelines for higher education funding.

(For full text of Resolution, see Resolution Book No. 68, Page 3.)

Mr. Cutler moved the adoption of Resolution No. 36443-080403. The motion was seconded by Mr. Dowe.

The City Manager corrected a response which was given to the Mayor at the 9:00 a.m. work session that if the Standards of Quality are approved and adopted by the State and funding is made available, approximately 159 positions would be added to the school system, generating \$4.4 million additional State revenue if funded; of those positions, 116 are already funded by local funds which means that the City of Roanoke would have to fund an additional 42.8 positions, but the City would still see revenue in excess of its expenditures of \$2.3 million in State revenue, which would make other monies available for other school initiatives or items.

Resolution No. 36443-080403 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

STREETS AND ALLEYS: The City Manager submitted a communication advising that on September 17, 2001, Council adopted Ordinance No. 35588- 091701 permanently vacating an alley, effective ten days following the date of adoption; as a condition of the ordinance, the petitioner was required to prepare and record a subdivision plat showing the vacated portion of the alley and the combination of the alley with the adjoining parcels; and the ordinance required that the plat be prepared and recorded within a period of 12 months, or the ordinance would be null and void.

It was further advised that a subdivision plat was submitted for review on November 8, 2001; plat review comments and request for revisions were forwarded to the surveyor and the petitioner on November 26, 2001; as a part of the requested revisions, signatures of the seven affected property owners were required; the process of signing the plat continued for more than a year; the last signature

obtained was dated and notarized on November 12, 2002; the plat was resubmitted for review on December 9, 2002, and approved on December 19, 2002; plat recordation occurred on December 20, 2002; copies of the recorded plat were returned to the City on December 31, 2002; and as the chronology indicates, due to problems associated with obtaining signatures from the various property owners, the "null and void" date of September 27, 2002, was exceeded.

It was stated that when the property owners attempted to record revised deeds, it was discovered that the above-referenced ordinance had lapsed; since all conditions of the ordinance were satisfied with the recordation of the plat in Map Book 1, pages 2537 and 2538, the property owners have requested that Ordinance No. 35588-091701 be readopted and amended with the condition that the conditions set out therein will be met within a period of 24 months (September 27, 2003).

The City Manager recommended that Council readopt and amend Ordinance No. 35588-091701, with the condition that the period of time required for satisfaction of the conditions will be revised from 12 months to 24 months.

Mr. Dowe offered the following ordinance:

(#36444-080403) AN ORDINANCE amending and reordaining Ordinance No. 35588-091701; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 5.)

Mr. Dowe moved the adoption of Ordinance No. 36444-080403. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-TRAFFIC-BUDGET-GRANTS: The City Manager submitted a communication advising that the Virginia Department of Motor Vehicles (DMV) is the administering agency for pass through funds provided by the United States Department of Transportation for highway safety projects in Virginia; DMV offers these funds to successful applicants for activities which improve highway safety in Virginia; the Virginia Department of Motor Vehicles has awarded the City of Roanoke Police Department \$15,000.00 for overtime and related FICA expenditures associated with conducting selective enforcement activities which target Driving

Under the Influence (DUI), speeding, and motor vehicle occupant safety; the grant period is from October 1, 2003 through September 30, 2004; and this is the eighth year that the City of Roanoke has received funds under the program.

It was further advised that there is a statistically proven proportional correlation between levels of motor vehicle law enforcement and traffic accidents in the City of Roanoke; historically, speed and alcohol are factors in 17 per cent of Roanoke's motor vehicle accidents; and the program allows officers to concentrate on alcohol impaired drivers and speeders at times when such violations are most likely to occur.

The City Manager recommended that Council accept the Driver/Occupant Awareness grant and authorize the City Manager to execute the grant agreement and any related documents, subject approval as to form by the City Attorney; appropriate \$15,000.00 and increase the corresponding revenue estimate in accounts established by the Director of Finance in the Grant Fund.

Mr. Dowe offered the following budget ordinance:

(#36445-080403) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 6.)

Mr. Dowe moved the adoption of Ordinance No. 36445-080403. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36446-080403) A RESOLUTION accepting the Driver/Occupant Awareness grant offer made to the City by the Virginia Department of Motor Vehicles, and authorizing execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 68, Page 7.)

Mr. Dowe moved the adoption of Resolution No. 36446-080403. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET-GRANTS: The City Manager submitted a communication advising that the Bulletproof Partnership Grant Act of 2001, enacted by the 107th United States Congress, provides funds to eligible law enforcement agencies for the purchase of bulletproof vests; the grant program is managed by the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; and on June 30, 2003, the City of Roanoke was awarded \$9,474.00 for bulletproof vests purchased by the Police Department in fiscal year 2002-03.

The City Manager recommended that Council accept the Bulletproof Vest Partnership reimbursement of \$9,474.00 and authorize the City Manager and the Chief of Police to execute any agreements related to said grant.

Mr. Dowe offered the following budget ordinance:

(#36447-080403) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 8.)

Mr. Dowe moved the adoption of Ordinance No. 36447-080403. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36448-080403) A RESOLUTION accepting a grant made to the City by the United States Department of Justice for the reimbursement of the cost of bulletproof vests, and authorizing execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 68, Page 9.)

Mr. Dowe moved the adoption of Resolution No. 36448-080403. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET-GRANTS: The City Manager submitted a communication advising that the U. S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has awarded the Roanoke Police Department a one-time only grant of \$4,840.00 to train 25 police officers and ten law enforcement officers from surrounding jurisdictions on the Gang Resistance Education and Training Program (G.R.E.A.T.); the grant period is from January 16, 2003 to January 15, 2004; the G.R.E.A.T. Program is a school-based, life-skills competency program taught by uniformed police officers; the Program is designed to enable youth to develop positive attitudes toward police officers, avoid conflicts, be responsible, set positive goals, and resist peer pressure; and statistics indicate that students who participated in the program had lower rates of victimization, more negative views about gangs, more favorable attitudes toward the police, more peers involved in pro-social activities, and lower levels of involvement in risk seeking behaviors.

The City Manager recommended that Council accept the Gang Resistance Education and Training Program grant and that she be authorized to execute the grant agreement and any related documents; and appropriate grant funds totaling \$4,840.00, with a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund.

Mr. Dowe offered the following budget ordinance:

(#36449-080403) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 10.)

Mr. Dowe moved the adoption of Ordinance No. 36449-080403. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36450-080403) A RESOLUTION accepting the Gang Resistance Education And Training (G. R. E. A. T.) grant offered to the City by the U. S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and authorizing execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 68, Page 11.)

Mr. Dowe moved the adoption of Resolution No. 36450-080403. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:
NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

CITY COUNCIL-SCHOOLS: Council Member Dowe called attention to an annual conference, "Emerging Leaders", which is held in the City of Roanoke composed of leadership from black colleges and universities, and suggested that City staff learn more about the program and extend formal greetings to program participants in the future.

CITY COUNCIL-CITY EMPLOYEES-NEWSPAPERS-WATER RESOURCES: Council Member Cutler acknowledged and commended two new electronic newsletters: E-News, Environmental News from the City of Roanoke, and On Good Authority, a monthly newsletter for City of Roanoke and Roanoke County employees involved in the formation of the Regional Water and Wastewater Authority.

POLICE DEPARTMENT-CITY COUNCIL-SCHOOLS: Council Member Bestpitch addressed the appropriate process for moving forward with the School Resource Officer issues and school safety. He suggested that Council request the formation of an organizing task force which would include City staff and School staff to review issues and concerns regarding school safety in a comprehensive manner; and the organizing group would develop a process that could be used over the next few months by a larger task force. He called attention to a joint Council/School Board Retreat which is scheduled for November 21, at which time the two bodies could discuss the issue, and any necessary refinements could be made prior to the end of the calendar year. He proposed that the organizing group be composed of two representatives of the School Board, the Superintendent of Schools, the Executive for Student Services the City Manager, two Members of City Council, preferably Vice-Mayor Harris since he previously served on the School Board and Council Member Wyatt who is a retired long term teacher in the City's School system. He requested that Council be provided with a report on the status of the organizing task force in approximately two weeks.

Mr. Bestpitch moved that Vice- Mayor Harris and Council Member Wyatt, the City Manager, the Chief of Police, two members of the School Board, the Superintendent of Schools, and the Executive for Student Services, be appointed to serve as an organizing group to develop a process and the composition of a task force to jointly consider the issues of school safety and appropriate roles and responsibilities of School Resource Officers; that recommendations be developed no later than December 31, 2003; and that any changes in assignments and procedures for the School Resource Officer program be suspended until the study process is completed. The motion was seconded by Mr. Cutler.

In clarification of the motion, Mr. Bestpitch advised that the goal of the organizing group would be to organize the process, including composition of a task force, which could include students, parents, teachers, a broad representation of the community; and the organizing group would work over a three month period from August to November.

In a discussion as to whether Council should instruct the City Manager to suspend any changes in the School Resource Officer Program until the process is completed, a Member of Council expressed concern that Council could be accused of telling the City Manager how to manage City manpower; whereupon, Mr. Bestpitch amended his motion to request that the City Manager consider whether changing the School Resource Officer program should be suspended until the study process is complete. Dr. Cutler, who seconded the motion, concurred in the amendment.

The following motion, as amended, was unanimously adopted:

Council concurred in the appointment of an organizing group composed of Vice-Mayor C. Nelson Harris, Council Member Linda F. Wyatt, the City Manager, the Chief of Police, the Chair of the Roanoke City School Board, a School Trustee to be selected by the School Board, the Superintendent of Schools and the Executive for Student Services, to develop a process and the composition of a joint task force which will be charged with the responsibility of jointly considering the issues of school safety and the appropriate roles and responsibilities of School Resource Officers, with recommendations by the task force to be submitted no later than December 31, 2003. The City Manager was requested to consider whether changes and assignments with regard to School Resource Officers should be suspended until the process is completed.

CITY COUNCIL-SPORTS ACTIVITIES-SCHOOLS-GREENWAY SYSTEMS: With regard to the two new high schools, Council Member Cutler requested the opportunity to review plans for athletic tracks and how exterior grounds will be landscaped and committed to greenways.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

POLICE DEPARTMENT-SCHOOLS: Mr. Alex Hincker, 4042 South Lake Drive, S. W., read a communication on behalf of his mother, Alice Hincker, who was out of the City. He quoted from a statement made by the City Manager on January 6, 2000, when she was interviewed by WDBJ-TV Channel 7 News on the day she was welcomed to Roanoke as the new City Manager, "The solution to our community's problems don't just rest with the government, they really rest with the total community, and I am going to invite the community to be part of a solution." In her letter, Ms. Hincker advised that the City Manager appears to have rescinded the invitation she sent to the people of Roanoke on that day in January, and she has not lived up to the expectation that she created when she spoke those words to the community. She stated that when it comes to the operation of the Police Department and the School Resource Officer program, the City Manager and the Chief of Police have taken actions that have created additional problems for the community; and they have not involved the community in identifying solutions to the problems; if citizens are to believe all that they have been told by Dr. Harris and by the School Board, they can only conclude that Chief Gaskins and Ms. Burcham took action without input from the Superintendent of Schools, or the School Board, and no input was solicited from parents, students, teachers and School Resource Officers, both past and present. She asked that the Roanoke community be allowed to be a part of the decisions that affect Roanoke's children, that the community be heard regarding programs that directly affect the safety and security of citizens, and that the community be a part of the solution to Roanoke's problems. She stated that the Roanoke community has been speaking out with regard to School Resource Officer Butch Lewis in an attempt to be a part of finding solutions to the City's problems, and asked that Council keep in mind that many members of the community speak not from personal experience, but they have taken the time to familiarize themselves with the work of noted experts in the field of school safety and security; many members of the community have expertise in areas that enable them to suggest the best practices for the schools and/or the Police Department and they have knowledge that enables them to legitimately question and to condemn the actions of the Chief of Police and the City Manager.

Ms. Carol Bragh, 2259 Westover Avenue, S. W., President, Patrick Henry High School PTSA, applauded Council's decision to appoint a task force to study school safety and the School Resource Officer issues. She stated that it is important to all citizens of Roanoke to believe that their children are in a safe school environment, and it is believed that the decision of the City Manager to revamp the School Resource Officer program is inappropriate and harmful to the program. She stated that the process of building relationships takes years to develop, it represents the crux of the program as it relates to students, to the relationships between staff and the School Resource Officers, and the community. She quoted from the National

Association of School Resource Officers on the subject of periodic rotation of SROs:
“One of the most important underlying themes in maintaining an SRO program is the establishing of relationships. The success of any SRO program, just as the success of any school administrative team and staff, hinges upon the establishment and maintenance of meaningful, long term relationships. Law enforcement managers must take into account that school districts and students not only enjoy the stability, but count on it to reduce tension in the school climate. The establishment of meaningful relationships is a process, not an event. Relationships are built over a period of time and not over night. Consistency and stability in SRO assignments must exist in order to nurture relationships and to prevent disruptions in meaningful working relationships between the SRO, other agencies, and the school district with whom they work”.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., advised that because Officer Butch Lewis had the courage to stand up and to speak out for what he believed to be right, he is being punished by the City Administration. She stated that she has heard parents speak highly of Officer Lewis and what he has done for the Roanoke City Schools and they want him to continue to serve at Patrick Henry High School. She advised that Officer Lewis is being made a scapegoat and it is up to Council to insist that he be reassigned to Patrick Henry High School where he has built a relationship and a trust with both students and staff.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., expressed concern as to whether Council is listening to the comments of Roanoke’s citizenry; citizens have voiced their concern regarding the renovation of Victory Stadium for sentimental and historic preservation reasons; with some frequency, Council tends to reverse its decisions, whereupon, she referred to the Comprehensive Plan which cites historic preservation as one of the main objectives, but when Council was faced with the opportunity to select a public building (Victory Stadium) which could be a main attraction in this part of the country, the opportunity was voted down in favor of a new stadium/amphitheater near the Civic Center complex. With reference to School Resource Officer Butch Lewis, she stated that Council hired the City Manager and Council has the right to supervise her activities, therefore, Council should speak up for the citizens of the City of Roanoke.

Mr. Marvin Lloyd, 331 Cedar Avenue, Vinton, Virginia, Pastor to School Resource Officer Butch Lewis, requested that Council rescind the transfer of Officer Lewis to William Fleming High School. He spoke to the importance of continuity in the School Resource Officer program, in order to build good relationships with students and school staff. He advised that the City Manager has made a poor decision in the reassignment of Officer Lewis to William Fleming High School; the

community is in an uproar and the quickest and best way to deal with the issue is to reassign Officer Lewis to Patrick Henry High School where he has established a solid relationship with students and staff.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., spoke against appointment of the City Manager and the Chief of Police to the school safety task force organizing group.

Ms. Pamela Corcoran, 2250 Sewell Lane, S. W., advised that her children attend Roanoke City Public Schools; she is active in school activities and school related organizations, therefore, she called for accountability with regard to safety and the School Resource Officer program, and requested that Council fulfill its charge to represent the best interests of the citizens of Roanoke. She asked that Council step in and acknowledge that the City has erred in scorning and penalizing its messengers, such as Officer Lewis and others. She advised that the City has in place a system for promoting school safety and for managing violent incidents that is not working; and from the point of view of a school volunteer with thousands of hours of time in various capacities and from having been associated with 14 City schools as a part of her family's learning community, it is obvious that certain things are broken and need to be fixed in Roanoke's school system.

Mr. Robert Gravely, 3360 Hershberger Road, N. W., advised that School Resource Officer Butch Lewis showed courage when he spoke out about the violence issue in Roanoke's schools, with the goal of protecting the lives of young people and protecting school property. He stated that Officer Lewis should not be punished because he failed to follow the chain of command, and the City should be careful about how it treats City employees. He stated that City employees should not only be corrected when they fail to do their jobs properly, but they should be commended when they do their jobs well.

Mr. Matthew Reames, 1930 Sheffield Road, S. W., advised that as an individual who taught for five years at Woodrow Wilson Middle School, he knows first hand the value of the School Resource Officer program and the importance of maintaining consistency in the program; it takes time to build trust between the School Resource Officer and school faculty and staff, to adjust to school routines, to learn the school community and families; and every time a school is assigned a new Resource Officer, it takes time to gain the necessary trust. He stated that the City's plan to offer SRO training to all new police officers and any interested current officers is admirable, but becoming a School Resource Officer requires more than just the required 40 hour basic class; according to the Virginia Model of SRO programming from the Department of Criminal Justice Services, being an SRO requires community

experience, and the interest and ability to work with youth, school personnel and the public to solve problems; it requires SROs to perform multiple roles, including those of law enforcers, instructor of law related education classes, criminal justice liaison, and role model; and in short, it requires a specialist within the Police Department. He explained that the School Resource Officer program of the Roanoke City Police Department has had a long and proud history and is the fourth oldest program in the State as of 2002, the 13 Roanoke City Police School Resource Officers have a combined total of 72 years of experience as SROs, five officers have seven or more years of experience as SROs, and one officer has 18 years of SRO experience, the second longest in the State. He advised that instead of being in concert with the National Best Practices for School Resource Officer Programs, Roanoke City has decided that experience is not important; and National Best Practices states that a rotation based solely upon the time in which an officer has served in a specific assignment should be discouraged and instead, consistency is recommended. Since the National Best Practices are being ignored, he requested that Council challenge the City Manager and the Police Chief to share with the citizenry the model SRO programs or policies upon which they are projecting their success.

Ms. Alice McCaffrey, 7870 Cedar Edge Road, S. W., President, Central Council Parent Teacher Association, commended Council on its action to appoint an organizing task force to address school safety and the SRO issue, and it is hoped that there will be interaction between different sections and functions of the City to provide more hope for regional cooperation as all elements work together in the City of Roanoke. On behalf of the Central Council PTA, she questioned whether rotating School Resource Officers is in the best interests of students, do parents and teachers have a voice in the issue concerning safe school environments, and the action Council took earlier in the meeting will help to address the issue of school safety.

Ms. Pat Lawson, 1618 Riverside Terrace, S. E., expressed concern with regard to the leadership of the City of Roanoke.

CITY MANAGER COMMENTS: NONE.

COUNCIL: With respect to the Closed Meeting which was held earlier in the meeting, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick
and Mayor Smith-----7.**

NAYS: None-----0.

**There being no further business, the Mayor declared the meeting adjourned at
6:10 p.m.**

A P P R O V E D

ATTEST:

**Mary F. Parker
City Clerk**

**Ralph K. Smith
Mayor**
